REMARKS

The outstanding issues are as follows:

- The Specification is objected to for informalities;
- Claims 1–17, 19–24, 26–29, 32–34, 37–39, and 43–45 are rejected under 35 U.S.C. § 102(e); and
- Claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 are rejected under 35 U.S.C. § 103(a).

Applicant hereby traverses the outstanding objections and rejections, and requests reconsideration and withdrawal in light of the amendments and remarks contained herein. Claims 1–48 are pending in this application.

I. AMENDMENTS

Applicant has amended the Specification to provide the patent number of the Related Application. No new matter was added.

II. REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1–17, 19–24, 26–29, 32–34, 37–39, and 43–45 are rejected under 35 U.S.C. § 102(e) as being anticipated by Spiegel et al., U.S. Patent No. 6,629,079 (hereinafter *Spiegel*).

As noted in Applicant's previous response, a reference used under 35 U.S.C. § 102 must teach every element of the claim. *See* M.P.E.P. § 2131. In order for that prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *See* M.P.E.P. § 2131, *citing Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy these requirements.

In his Response to Arguments, the Examiner rejects Applicant's argument, citing to *Spiegel*, Cols 5 and 6, as teaching that the user dynamically adds and deletes shopping carts which are added to the navigation bar of the display. Also, that because the "webpage" automatically updates, it must maintain state information. However, the embodiment of the

invention described in Cols 5 and 6 of *Spiegel* describe a generic explanation of the operation of the idea. The embodiment described in Cols 5 and 6 do not describe the details of implementation, and, in fact, do not describe an embodiment operable over the Internet using the World Wide Web. The Internet embodiment of the *Spiegel* invention is illustrated with respect to Figure 4, described beginning at line 59 of Column 6, which is not the same selection used by the Examiner in his Response to Arguments.

The Examiner also states that "HTML has been used not only for displaying dynamic content since at least 1998, when the HTML 4.0 standard was established." Office Action, p. 20. However, *Spiegel* does not refer to the HTML 4.0 standard. The Internet-embodiment described in *Spiegel* discusses standard client-server architecture (as Applicant explained in the previous Response to the previous Office Action). It does not describe its operation in the context of HTML 4.0. The Internet embodiment shown in Figure 4 and explained in flowcharts Figures 6-9, explains the standard client-server interaction. Each time the user selects a particular shopping cart or adds/deletes items to a shopping cart, a call is made to the server which prepares the appropriate display and returns it for display to the browser. No where in *Spiegel* is HTML 4.0 described either directly or in reference to capabilities found in HTML 4.0. Therefore, the Examiner's attempt to combine teachings of a standard that was not discussed in *Spiegel* is improper under 35 U.S.C. § 102(e). Thus, Applicant respectfully requests the Examiner to withdraw the rejections of record.

A. Claims 1–6

Claim 1 requires, "... said moveable shopping cart window object configured to dynamically manifest therein the shopping list received from the shopping list content source in accordance with said data." As previously noted, this is the standard Web/Internet interaction that is described in *Spiegel*. Column 8 of *Spiegel* describes several flow diagrams that provide step-by-step descriptions of the server system receiving information from the user/client browser, using that information to retrieve data from a database, such as the user database 413, and using that data to generate a static HTML page that is then sent to the client browser to display. None of the technology described in *Spiegel* teaches or suggests a dynamic data manifestation, as required by claim 1. The dynamic data manifestation required by claim 1 allows the various embodiments of the present invention to display

information dynamically onto the Web browser from a remote source. Specification, p. 8, lns 8–13. Therefore, *Spiegel* does not teach or even suggest each and every limitation of claim 1.

Claims 2–6 each depend directly or indirectly from independent claim 1 and, thus, inherit each of the limitations of clam 1. As such, claims 2–6 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 1–6 under 35 U.S.C. § 102(e).

B. Claims 7–12

Claim 7 requires, "... dynamically manifesting said shopping list within said moveable shopping cart window object in accordance with said data." As noted above, *Spiegel* does not teach this dynamic manifestation, but rather describes standard static Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 7.

Claims 8–12 each depend directly or indirectly from independent claim 7 and, thus, inherit each of the limitations of claim 7. As such, claims 8–12 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 7–12 under 35 U.S.C. § 102(e).

C. Claims 13–17 and 19

Claim 13 requires, "... said controllable shopping cart window object configured to dynamically manifest therein the shopping list received from the shopping list content source in accordance with said data." As noted above, *Spiegel* does not teach this dynamic manifestation, but rather describes standard static Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 13.

Claims 14–17 and 19 each depend directly or indirectly from independent claim 13 and, thus, inherit each of the limitations of claim 13. As such, claims 14–17 and 19 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 13–17 and 19 under 35 U.S.C. § 102(e).

D. Claims 20–24 and 26

Claim 20 requires, "... dynamically manifesting said shopping list within said moveable shopping cart window object in accordance with said data." As noted above, *Spiegel* does not teach this dynamic manifestation, but rather describes standard static Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 20.

Claims 21–24 and 26 each depend directly or indirectly from independent claim 20 and, thus, inherit each of the limitations of claim 20. As such, claims 21–24 and 26 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 20–24 and 26 under 35 U.S.C. § 102(e).

E. Claims 27–29

Claim 27 requires, "... said moveable television window object configured to dynamically manifest therein the audio-visual program received from the audio-visual program content source in accordance with said data." As noted above, *Spiegel* does not teach this dynamic manifestation, but rather describes standard static Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 27.

Claims 28–29 each depend directly or indirectly from independent claim 27 and, thus, inherit each of the limitations of claim 27. As such, claims 28–29 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 27–29 under 35 U.S.C. § 102(e).

F. Claims 32–34

Claim 32 requires, "... dynamically manifesting said audio-visual program within said moveable television window object in accordance with said data." As noted above, *Spiegel* does not teach this dynamic manifestation, but rather describes standard static Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 32.

Claims 33–34 each depend directly or indirectly from independent claim 32 and, thus, inherit each of the limitations of claim 32. As such, claims 33–34 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 32–34 under 35 U.S.C. § 102(e).

G. Claims 37–39

Claim 37 requires, "... said controllable television window object configured to dynamically manifest therein the audio-visual program received from the audio-visual program content source in accordance with said data." As noted above, *Spiegel* does not teach this dynamic manifestation, but rather describes standard static Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 37.

Claims 38–39 each depend directly or indirectly from independent claim 37 and, thus, inherit each of the limitations of claim 37. As such, claims 38–39 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 37–39 under 35 U.S.C. § 102(e).

H. Claims 43–45

Claim 43 requires, "... dynamically manifesting said audio-visual program within said controllable television window object in accordance with said data." As noted above, *Spiegel* does not teach this dynamic manifestation, but rather describes standard static Web interaction. Therefore, *Spiegel* does not teach or even suggest all of the limitations of claim 43.

Claims 44 and 45 each depend directly or indirectly from independent claim 43 and, thus, inherit each of the limitations of claim 43. As such, claims 44 and 45 are each patentable over *Spiegel* as well. Applicants, thus, respectfully request the Examiner to withdraw his rejection of claims 43–45 under 35 U.S.C. § 102(e).

III. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Spiegel* in further view of Hall, Marty, "Core Web Programming," 1998 (hereinafter *Hall, Marty*).

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Applicants assert that the rejections do not satisfy these criteria.

As noted above, Applicant asserts that *Spiegel* does not teach or even suggest all of the limitations of independent claims 13, 20, 27, 32, 37, and 43. *Spiegel* fails to teach the dynamic manifestation of data as required in those independent claims. Claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 depend from base claims 13, 20, 27, 32, 37, and 43, respectively, and, thus, inherit each independent claim's limitations. As such, claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 are each patentable over *Spiegel*. Moreover, *Hall, Marty* does not teach or suggest dynamic manifestation of data. Therefore, the combination of *Spiegel* with *Hall, Marty* does not teach or even suggest each of the claim limitations of claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48. As such, Applicant respectfully requests the Examiner to withdraw his rejection of claims 18, 25, 30, 31, 35, 36, 40–42, and 46–48 under 35 U.S.C. § 103(a).

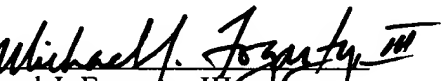
IV. CONCLUSION

In view of the above, Applicant believes the pending application is in condition for allowance.

Fees due with this response are calculated on the enclosed Request for Extension of Time. If any additional fees are due during the pendency of this matter, please charge Deposit Account No. 06-2380, under Order No. 65164/P001CP1/10606083 from which the undersigned is authorized to draw.

Dated: October 16, 2006

Respectfully submitted,

By 

Michael J. Fogarty, III
Registration No.: 42,541
FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
(214) 855-8172
(214) 855-8200 (Fax)
Attorney for Applicant